

Introduced by Senator Maldonado

December 1, 2008

An act to repeal and add Section 25214.8 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 6, as introduced, Maldonado. Hazardous material: vehicles: mercury-containing switches.

(1) Existing law requires any mercury-containing vehicle light switch, as defined, that is removed from a vehicle to be subject to the regulations adopted by the Department of Toxic Substances Control regarding the management of universal waste and other applicable regulations, and requires the department to take actions with regard to the safe removal and disposal of those switches. The department is required to submit a specified report, by January 1, 2004, to the Legislature regarding these requirements. Existing law provides that a violation of the Hazardous Waste Control Law is a crime.

This bill would repeal that obsolete reporting provision and would require automobile dismantlers and owners or operators of junkyards to ensure the proper removal of mercury switches from end-of-life vehicles prior to their destruction. The bill would require these entities to inspect end-of-life vehicles prior to their destruction to ensure that mercury switches were removed. The bill would specifically provide that automobile dealers and manufacturers are not responsible for the removal of mercury switches from end-of-life vehicles. The bill would define specified terms for the purposes of the bill. Because a violation of the above requirement is also a violation of the Hazardous Waste Control Law, this bill would create a new crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25214.8 of the Health and Safety Code
2 is repealed.

3 ~~25214.8. On or before January 1, 2004, the department shall~~
4 ~~report to the appropriate policy and fiscal committees of the~~
5 ~~Legislature on both of the following:~~

6 ~~(a) The success of efforts to remove mercury-containing vehicle~~
7 ~~light switches from vehicles pursuant to Section 25214.6.~~

8 ~~(b) Compliance with the requirement to remove~~
9 ~~mercury-containing appliance switches pursuant to Section 42175~~
10 ~~of the Public Resources Code.~~

11 SEC. 2. Section 25214.8 is added to the Health and Safety
12 Code, to read:

13 25214.8. (a) (1) An automobile dismantler, as defined in
14 Section 220 of the Vehicle Code, or an owner or operator of a
15 junkyard, as defined in subdivision (c) of Section 746 of the Streets
16 and Highways Code, shall ensure that all mercury switches in an
17 end-of-life vehicle are properly removed prior to the destruction
18 of that vehicle.

19 (2) An automobile dismantler, as defined in Section 220 of the
20 Vehicle Code, or an owner or operator of a junkyard, as defined
21 in subdivision (c) of Section 746 of the Streets and Highways
22 Code, shall inspect an end-of-life vehicle to ensure that all mercury
23 switches have been removed from the vehicle prior to destruction
24 of that vehicle.

25 (b) A dealer, as defined in Section 285 of the Vehicle Code, or
26 an automobile manufacturer shall not be responsible for the
27 removal of mercury switches from an end-of-life vehicle.

28 (c) For the purposes of this section, the following terms mean
29 the following:

1 (1) “End-of-life vehicle” means a vehicle that is sold, given, or
2 otherwise conveyed to an automobile dismantler, or an owner or
3 operator of a junkyard.

4 (2) “Mercury switch” means a mercury light switch, a mercury
5 relay, as defined in paragraph (3) of subdivision (b) of Section
6 25214.8.1, or a mercury switch, as defined in paragraph (4) of
7 subdivision (b) of Section 25214.8.1.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.